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## United States Department of Agriculture

### FOOD AND DRUG ADMINISTRATION

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

19653-19675

[Approved by the Secretary of Agriculture, Washington, D. C., January 23, 1933]

**19653. Adulteration and misbranding of acetolate compound tablets, acetphenetidin and camphor compound tablets, and bismuth and salol compound tablets. U. S. v. West Manufacturing Co. Plea of guilty. Fine, \$50. (F. & D. No. 26672. I. S. Nos. 28049, 28050, 28051.)**

This action was based on the interstate shipment of certain drug preparations, samples of which were found to contain a smaller amount of one or more of the principal drugs than declared on the label. The labels of the acetolate compound tablets and the acetphenetidin and camphor compound tablets also bore unwarranted curative and therapeutic claims.

On November 4, 1931, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the West Manufacturing Co., a corporation, Camden, N. J., charging violation of the food and drugs act as amended. The information charged that the defendant company had shipped on or about May 24 and December 22, 1930, from the State of New Jersey into the State of Pennsylvania, quantities of bismuth and salol compound tablets, and had shipped on or about February 23, 1931, also from New Jersey into Pennsylvania, quantities of acetolate compound tablets and acetphenetidin and camphor compound tablets, and that said products were adulterated and misbranded. The articles were labeled in part, variously: "Tablets Acetolate Comp. Acetphenetidin 1½ gr. \* \* \* Indications: Grippe, Colds, Influenza, etc.;" "Tablets Acetphenetidin and Camphor Comp. Acetphenetidin 1½ gr. Acetylsalicylic Acid 1½ gr. \* \* \* Indications—Cold and Grippe Conditions;" "Bismuth and Salol, Comp. Bismuth Subgallate ½ gr. Salol ½ gr. \* \* \* West Manuf'g Co., Camden, N. J."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the acetolate compound tablets was represented to contain 1½ grains of acetphenetidin; whereas each of said tablets contained less of the said drug than so represented, namely, not more than 1.329 grains of acetphenetidin. Each of the acetphenetidin and camphor compound tablets was represented to contain 1½ grains of acetphenetidin and 1½ grains of acetylsalicylic acid; whereas each of the tablets contained less of the said drugs than so represented, namely, not more than 1.191 grains of acetphenetidin, and not more than 1.185 grains of acetylsalicylic acid. Each of the said bismuth and salol compound tablets was represented to contain one-half grain of bismuth subgallate and one-half grain of salol; whereas each of the tablets contained less of the said drugs than so represented, namely, not more than 0.441 grain of bismuth subgallate and not more than 0.356 grain of salol.

Misbranding of the articles was alleged for the reason that the statements, "Tablets \* \* \* Acetphenetidin 1½ gr.," with respect to the acetolate compound tablets, the statement, "Tablets \* \* \* Acetphenetidin 1½ gr., Acetylsalicylic Acid 1½ gr.," with respect to the acetphenetidin and camphor compound tablets, and the statement, "Bismuth Subgallate ½ gr., Salol ½ gr.," with respect to the bismuth and salol compound tablets, borne on the labels

of the respective articles, were false and misleading. Misbranding was alleged for the further reason that certain statements, designs, and devices, appearing on the labelings of the said acetolate compound tablets, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grippe and influenza; that certain statements, designs, and devices appearing on the labeling of the acetphenetidin and camphor compound tablets falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for grippe conditions; whereas the articles contained no ingredients or medicinal agents capable of producing the said curative and therapeutic effects.

On February 26, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19654. Adulteration of fluidextract of ginger. U. S. v. 150 Gallons of Fluidextract of Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28959. S. No. 6775.)**

On February 29, 1932, the United States attorney for the Eastern District of Tennessee, acting upon a report by an official of the Tennessee State Department of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 gallons of fluidextract of ginger, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce, in March, 1930, a portion by the Hub Products Co., Boston, Mass., and the remainder by the Interstate Drug Co., New York, N. Y., that the article had been transported from the States of Massachusetts and New York, respectively, into the State of Tennessee, and that it was adulterated in violation of the food and drugs act. The article was shipped in 3 barrels, 1 barrel invoiced "Liquid Medicine," and 1 labeled and invoiced "Fluid Extract." The remaining barrel of the product was unlabeled.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of certain poisons which cause partial paralysis.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19655. Misbranding of Germania herb tea. U. S. v. 22 Dozen Packages of Germania Herb Tea. Default decree of condemnation and destruction. (F. & D. No. 27941. I. S. No. 50091. S. No. 5975.)**

Examination of the drug product involved in this action showed that it was falsely labeled as to the name of the manufacturer and the State in which it was produced. The labeling of the article also bore unwarranted curative and therapeutic claims.

On March 23, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 dozen packages of the said Germania herb tea at Canton, Ohio, alleging that the article had been shipped in interstate commerce, on or about November 10, 1931, by the Royal Drug Co., from Chicago, Ill., to Canton, Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of senna leaves with smaller proportions of other plant drugs including corn flower, arnica, uva ursi, and a drug containing mydriatic alkaloids.

It was alleged in the libel that the article was misbranded in that it was falsely branded as to the State in which it was manufactured or produced, and in that the statement on the label, "Germania Tea Co.," was false and misleading, since the article was not manufactured or produced by that firm. Misbranding was alleged for the further reason that the following statements on the label, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Germania Herb Tea will cause all the organs to eliminate; when proper elimination takes place, good circulation is established."

On June 27, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*